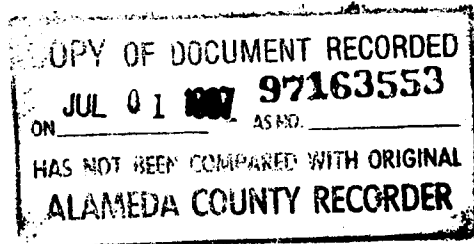


PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City of Emeryville  
2200 Powell St. 12 Flr.  
Emeryville CA. 94608  
ATTN: Juan C. Arreguin



THIS SPACE FOR RECORDER'S USE ONLY

First Amendment To Covenant of Deed Restriction  
TITLE OF DOCUMENT

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Govt. Code 27361.6)

(Additional recording fee applies)

The Department of Toxic Substances Control (DTSC) and the City of Emeryville (City) entered into a Covenant to Restrict Use of Property (Covenant), dated June 21, 1996. DTSC and City hereby agree to amend this Covenant by adding an Exhibit A-1 to this Covenant. Exhibit A-1 is as follows:

The Site also includes land located in the City of Emeryville, Alameda County, consisting of a portion of the following parcels required for the construction of the Bay Street Extension directly north of Powell Street to 64th Street, and adjacent to the western line of the Southern Pacific Transportation Company right-of-way:

APN# 49-1492-10

APN# 49-1493-9

APN# 49 1493-10

APN# 49-1493-11

Bay Street Public Right-of-Way

Shellmound Street Public Right-of-Way

A map of the parcels and approximate project limits is attached hereto.

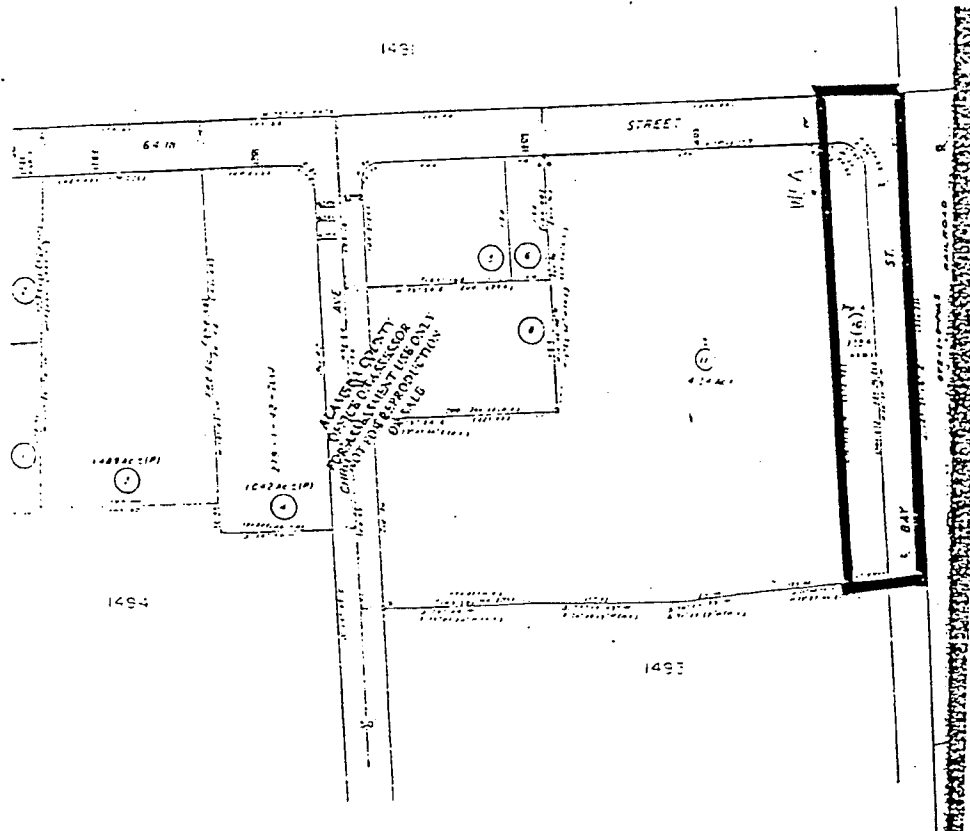


EXHIBIT A-1

1493

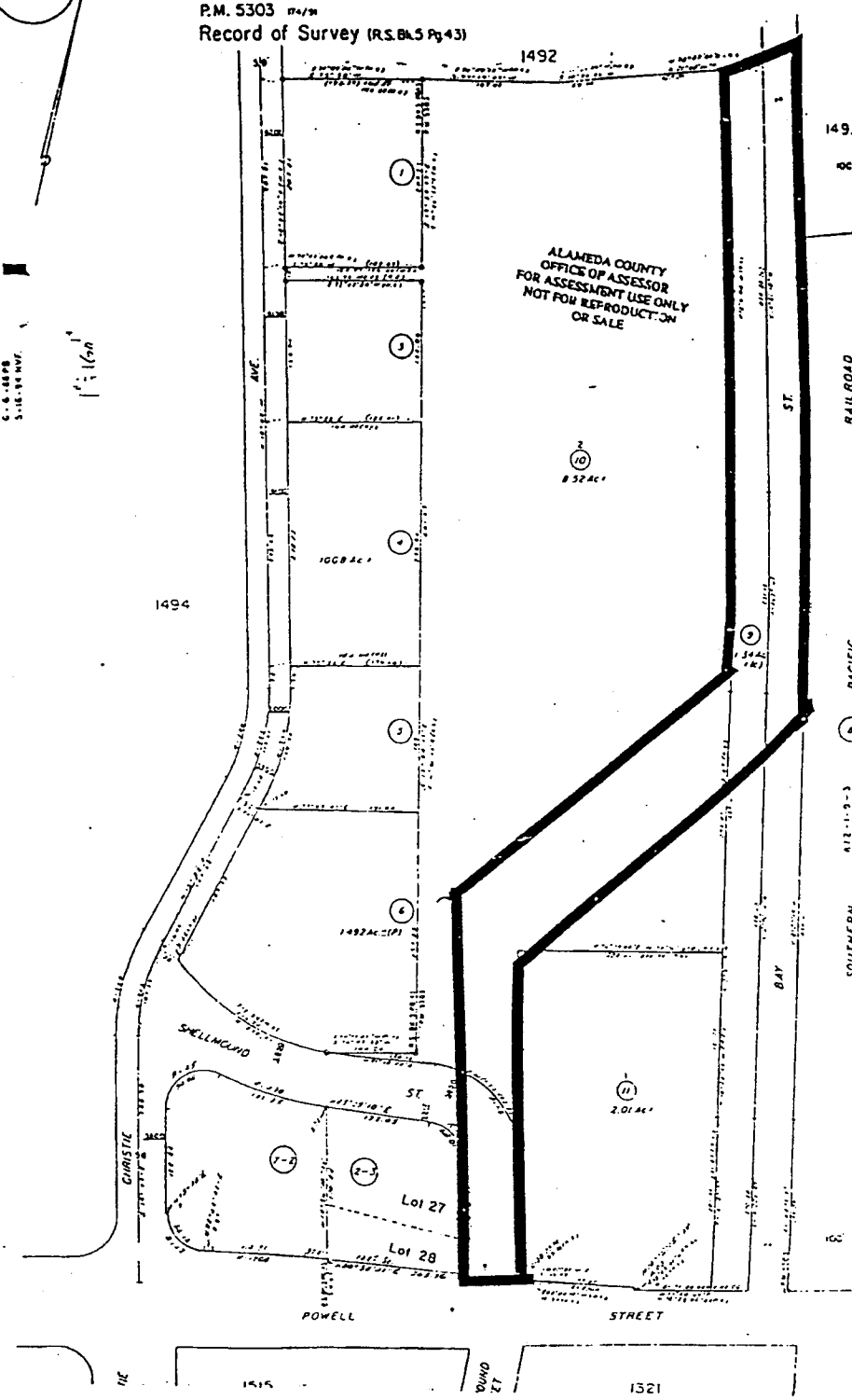
Scale: 1"=100'

Sale Map No. 1 - Salt Marsh & Tidelands (Case 1-9-21) (Filing Section 15, T. 1 S.  
P.M. 5303 12/4/20)  
Record of Survey (R.S. 645 Pg. 43)

ALAMEDA COUNTY  
OFFICE OF ASSESSOR  
FOR ASSESSMENT USE ONLY  
NOT FOR REPRODUCTION  
OR SALE

Owner: 7-66 H.L.  
Revised: 8-2-78 P.B.  
8-4-81 W.  
2-3-88 W.  
2-3-88 W.  
2-18-88 H.V.

Survey: Portion Block 1514



Except as hereby amended by this First Amendment to Covenant  
to Restrict Use of Property, the provisions of the Covenant  
remain in full force and effect.

Barbara J. Cook  
Barbara J. Cook, P.E., Chief  
Northern California  
Coastal Cleanup Operations Branch  
Department of Toxic Substances Control

Date: 4/19/97

John A. Flores  
John A. Flores  
City Manager  
City of Emeryville

Date: 6-17-97

Approved as to Form:


Orchid Kwei 4/28/97  
Orchid Kwei  
Office of Legal Counsel  
Department of Toxic Substances Control

Michael C. Biddle  
Michael C. Biddle  
Asst City Attorney  
City of Emeryville

Except as hereby amended by this First Amendment to Covenant to Restrict Use of Property, the provisions of the Covenant remain in full force and effect.


\_\_\_\_\_  
Barbara J. Cook, P.E., Chief  
Northern California  
Coastal Cleanup Operations Branch  
Department of Toxic Substances Control

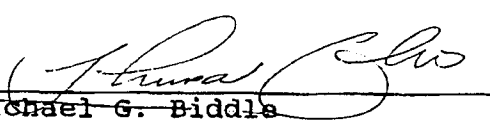
Date: \_\_\_\_\_

  
\_\_\_\_\_  
John A. Flores  
City Manager  
City of Emeryville

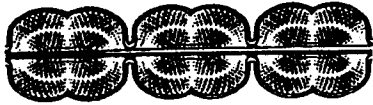
Date: 6-29-97

Approved as to Form:

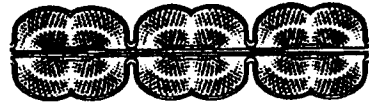
  
\_\_\_\_\_  
Orchid Kwei  
Office of Legal Counsel  
Department of Toxic Substances Control

  
\_\_\_\_\_  
Michael G. Biddle  
City Attorney  
City of Emeryville

# CALIFORNIA



## ALL-PURPOSE



### ACKNOWLEDGEMENT

STATE OF CALIFORNIA )

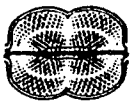
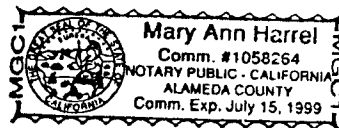
COUNTY OF Alameda )

On 6-19-97 before me, Mary Ann Harrel, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

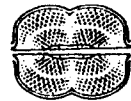
personally appeared, BARBARA J. COOK  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary Ann Harrel (SEAL)  
NOTARY PUBLIC SIGNATURE



### OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT First Amendment to Covenant To Restrict Use of Property

DATE OF DOCUMENT — NUMBER OF PAGES 4

SIGNER(S) OTHER THAN NAMED ABOVE Fernes, Kwei, Cho

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

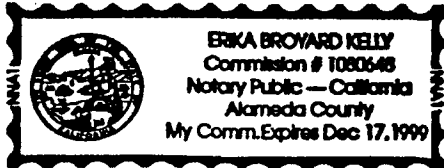
State of California

County of Alameda

On June 29, 1997 before me, Erika Brayard Kelly  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared John A. Flores  
Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Erika Brayard Kelly  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: First Amendment to Covenant to Restrict of  
Property <sup>USE</sup>  
Document Date: \_\_\_\_\_ Number of Pages: 4

Signer(s) Other Than Named Above: Cook, Kwei, CNO

### Capacity(ies) Claimed by Signer(s)

Signer's Name: John A. Flores

- ☐ Individual  
☒ Corporate Officer  
Title(s): City Manager  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer Is Representing:

City of Emeryville

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer  
Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer Is Representing: